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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO.2006 OF 2007.

PETITIONERS

1. Sevak Ram Patel, S/o. Late Shri Sonau, aged about 59 years, R/o. Village & Post Amera, Tehsil Baloda Bazar, District Raipur (C.G.)
2. Ajay Patel, S/o. Shri Ghanshyam, aged about 50 years, Village Lavanvan, Post Pangaon, Tehsil Baloda Bazar, District Raipur (C.G.)
3. Thukel Dheemar, S/o. Jhadi, aged about 58 years, R/o. Village Lavanvan, Post Pangaon, Tehsil Baloda Bazar, District Raipur (C.G.)
4. Agrahit Sahu, S/o. Pusau, aged about 56 years, R/o. Village & Post Risda, Tehsil Baloda Bazar, District Raipur (C.G.)
5. Srichand Sahu, S/o. Kejau Sahu, aged about 53 years, R/o. Village Rajpur, Post Karahi, Tehsil Baloda Bazar, District Raipur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Engineer in CHIEF JUSTICE Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

Present : Shri Sushil Sahu, counsel for the petitioners.
Ms. Deepali Pandey, Panel Lawyer for the State / respondents.

ORAL ORDER

(Passed on 03rd April, 2007)

1. By this petition, learned counsel appearing for the petitioners submits that the petitioners namely, Sevak Ram Patel, Ajay Patel, Thukal Dheemar, Srichand Sahu and Agrahit Sahu were employed on 01.01.82, 07.08.73,

05.05.72, 18.9.79 and 25.5.69, respectively as Gangmen. The petitioners, who have worked for more than 15 years have attained the status of permanent Gangmen. They seek a relief that the petitioners being permanent gangmen be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu)Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to the learned counsel for the petitioners, the petitioners have attained the status of permanent employees, as defined under Rule 2 (c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules,1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee, the petitioners would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioners would submit that the case of the petitioners is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No.108/2005 (Govind Vs. State of Chhattisgarh & Others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioners.

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5. Accordingly, the petitioners, who are permanent gangmen, are entitled to retire on attaining the age of 62, years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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